

**AMENDED AGENDA**

**FOR THE REGULAR MEETING OF THE CITY OF BELEN PLANNING AND ZONING COMMISSION, STATE OF NEW MEXICO, COUNTY OF VALENCIA TO BE HELD ON MONDAY THE 12<sup>th</sup> OF FEBRUARY 2018 AT 6:00 PM IN THE COUNCIL CHAMBERS AT CITY HALL, 100 SOUTH MAIN STREET, BELEN, NEW MEXICO 87002.**

ALL P & Z COMMISSION MEETINGS ARE VIDEO AND AUDIO RECORDED.

*A COPY OF THE AGENDA MAY BE OBTAINED FROM THE OFFICE OF THE CITY OF BELEN PLANNING & ZONING DEPARTMENT.*

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGEANCE**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES**  
Minutes of January 29, 2018
- 6. PUBLIC COMMENT 3 MINUTE PRESENTATIONS:** If more time is needed for presentation, please ask to be scheduled on the next agenda.
- 7. DISCUSSION**
  - a. Becker Ave Zoning
  - b. Belen Alexander Airport
- 8. INFORMATIONAL ITEMS**
  - a. Communication from the Commission and Staff
- 9. ADJOURNMENT**

RESPECTFULLY SUBMITTED

/s/  
Lisa R Miller, Planning & Zoning  
Administrator

cc: Mayor & City Council  
News Bulletin

Belen Chamber of Commerce  
Belen Recreation Center

Belen Public Library  
Belen City Hall

**JERAH R CORDOVA**  
MAYOR  
**LEONA VIGIL**  
CITY MANAGER



**CITY OF BELEN**  
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**WAYNE GALLEGOS**  
CITY COUNCIL  
**DAVID CARTER**  
CITY COUNCIL  
**DARLEEN ARAGON**  
CITY COUNCIL  
**FRANK ORTEGA**  
MAYOR PRO-TEM

**CITY OF BELEN  
PLANNING & ZONING COMMISSION MEETING  
MINUTES  
JANUARY 29 2018**

Chairman Steve Etheridge called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:00 p.m.

**PRESENT:** Chairman Steve Etheridge  
Commissioner Claudine Montano  
Commissioner Jim Lardner  
Vice Chair Pete Armstrong  
Commissioner Gordon Reeves

**CITY STAFF:** Steven Tomita, Economic Development  
Lisa R Miller, Planning & Zoning Administrator

**OTHERS:** John Zollan, American Legion Post 81  
Lenore Pena, Citizen  
Ross & Cleo Wersonick, American Legion Post 81  
Edward & Vina Hiy, Citizen  
Jim Perry, American Legion Post 81  
Delbert Gregory, American Legion Post 81  
Richard Bundy, American Legion Post 81  
Judy Chicago, Citizen  
Donald Woodman, Citizen  
Gerald Espinoza, Citizen

**PLEDGE OF ALLEGIANCE**

Chairman Steve Etheridge led the Pledge of allegiance.

**APPROVAL OF AGENDA:**

Vice Chair Pete Armstrong moved to approve the Agenda of January 29, 2018.

Commissioner Claudine Montano seconded the motion.

Motion Carried.

**APPROVAL OF MINUTES:**

Commissioner Gordon Reeves moved to approve the minutes of January 8, 2018.

Commissioner Claudine Montano seconded the motion.

Motion carried.

**PUBLIC COMMENT**

There were no public comments.

**ACTION ITEM**

**a. ALLOWABLE LAND USE-Travel Trailer Courts**

Steven Tomita informed the Commission that this was presented at the last meeting and explained that a Travel Trailer Courts are an allowable land use in a C-1 zone but not in the C-2 zone. The C-2 zoning district is actually the highest intensity zoning district, which is mixed use. It did not make sense that the Neighborhood Commercial (C-1) allowed it and the Mixed Use Commercial (C-2) did not. He felt that a corrective measure by the P & Z Commission to include Travel Trailer Courts in the C-2 zone was needed.

Chairman Jim Lardner said that in the packets it shows it being added into the M-1 zone

Steven Tomita said yes, but it also needs to be added under the C-2.

Vice Chair Pete Armstrong moved to add the Travel Trailer Courts to the C-2 Zoning.

Commissioner Gordon Reeves seconded the motion.

Motion carried.

Vote was as follows:

|                               |     |
|-------------------------------|-----|
| Commissioner Claudine Montano | Yes |
| Commissioner Gordon Reeves    | Yes |
| Vice Chair Pete Armstrong     | Yes |
| Commissioner Jim Lardner      | Yes |

**PUBLIC HEARING WITH POSSIBLE ACTION**

Chairman Steve Ethridge swore in all participants for the following Public Hearings.

Commissioner Claudine Montano requested to be recused from the first item on the public hearing list.

Chairman Steve Ethridge accepted.

- a. **REQUEST FOR A CONDITIONAL USE** for the purpose of transferring a liquor license to 208 Becker Ave., Belen NM 87002: **Secundino Baldonado American Legion Post 81: John Zollan, Agent. LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, BTS Addition, Lots 16-21, Block 26, Containing .52 ac.

Steven Tomita informed the Commission that the American Legion has been looking at purchasing this building, however, they would need to do that by being able to transfer their liquor license from their present location to this building. The present zoning on Becker Ave. is C-R and that zoning only allows for beer and wine services associated with a restaurant and a dispenser's license with a conditional use, as was done for the winery. In order for the Legion to move the liquor license they need a Conditional Use and the Commissioners would set the parameters, conditions, and the length of time allowed under the Conditional Use. The Legion is also asking for an indefinite period of time be allowed because if they are going to invest in the building, then it needs to run with the time that they occupy the building.

Chairman Steve Ethridge explained the process of a public hearing so that everybody is heard. The staff presents their information first, then the Commission asks the staff questions. Then the applicant presents his information and why this request, then the Commission asks the applicant questions. It is then opened to public comment for questions and concerns, whether for or against. The applicant can then address any of those concerns from the public. The hearing is then closed and the Commission will discuss the request and then make a motion to approve or dis-approve the request.

Mr. Jon Zollan, the current Commander of the American Legion Post 81, said that the Legion is currently looking into purchasing the building at 208 Becker Ave. They are currently in a building that has become too small for them, plus leasing the present location. They are wanting to change the leasing into a mortgage to purchase the building on Becker. If they do purchase the building their liquor license will have to move with them and unfortunately that area is not zoned for a full liquor license. At this time they are requesting a Conditional Use so that they may bring the liquor license over with them. They are also asking that the permit be valid as long as the American Legion is in the building, because they will be purchasing the building and they will have a mortgage and if sometime down the road, if the Commission puts a shorter time period on it and someone new on the Commission does not like the American Legion, or doesn't care for a bar in the neighborhood, then they can deny to approve the continuance of the Conditional Use. They do have a club license. Not anybody can walk in off the street and have a drink. It is for members and a guest only. If the member leaves the guest has to leave.

Vice Chair Pete Armstrong asked if the transition with the liquor license will require more work.

Mr. Zollan said that it doesn't and before they go through that process they need to make sure that they get the Conditional Use. If they do not get the Conditional Use then everything is mute at that point.

Commissioner Jim Lardner asked where they were presently located.

Mr. Zollan said at 325 S Main. They are in the building next to Sierra Cleaners.

Vice Chair Pete Armstrong asked the staff if they have explained what a Condition Use is and the stipulations that could go with it.

Steven Tomita informed them that staff has explained that to them and explained that the Commission would be imposing conditions on how they can operate and other considerations that the Commission deems necessary. We did request that they contact the adjoining owners and address any concerns that they may have.

Mr. Zollan said that they open up at noon and the only time they are open to the public is on Sunday mornings from 9 AM to Noon, and that is for breakfast. Every Saturday they have karaoke from 7 PM to 11 PM. The only time that he can remember being open any later was this past New Year's Eve. On the first Friday they have a band playing from 7 PM to 11 PM. On the third Friday they also have a band playing, which is mostly made up of members, from 7 PM till 10 PM. It is not a question of blaring music and rowdiness, they are the American Legion and they have very strict rules within their post. If anybody acts out of the ordinary, they go before the E Board and are given a warning or can be removed from the Legion. They do police their own.

Commissioner Jim Lardner asked what the daily hours look like.

Mr. Zollan said it can vary. It is normally from noon to 6 PM. Tuesday they have taco Tuesday and sometimes they are there until 7 PM. Wednesday is pool tournament night and they are usually there until 10 PM to 10:30 PM. On Thursdays they have Post dinners from 5 PM to 7 PM and they usually stay until 8 or 9 PM. On every other Friday it is usually 8:30-9 PM. They are not a regular bar.

Commissioner Gordon Reeves asked how long the American Legion has been in Belen and have they had more than one address.

Mr. Zollan said that they have been at Becker St., 325 S Main St. and others.

Mr. Richard Bundy said that they have had the American Legion Charter since 2007 and has had multiple locations within the City.

Steven Tomita showed the Commission and the audience the location of 208 Becker Ave. and the surrounding area. He explained where Judy Chicago and husband Donald Woodman are located along with there the Jaramillo winery (Central Parlor), Through the Flower and then the Bowling alley.

Chairman Steve Ethridge opened up the hearing for public comments.

Ms. Judy Chicago said that the American Legion gentlemen had visited them, which they appreciated. They are obviously respectable and lovely people, but her concern is having three liquor licenses within 2 blocks in that area. It seems like an awful concentration of liquor in a very small area. It concerns them. It also concerns them because of the children across the street at the Belen Goju Ryu. She understands that there are regulations, but human behavior is not easy to regulate, even with the best of intentions.

Mr. Ensin Rimallia said that being there are three areas in the same location, they can use that as a negative or they can look at an innovative approach to put some type of service so that you do not have people drunk all over the place. Maybe reduced cost transportation.

Mr. Donald Woodman said that they have lived in Belen for over 20 years, and in that neighborhood they have had several bars come and go. They have had a lot of issues with the kind of traffic, the kind of situations that have arisen around that activity. They have had a lot of problems with the City Policing and controlling what goes on in and around those type of establishments. His concern, to add this back into the neighborhood mix, is not a positive step, although the gentlemen have assured him and his wife that there activities are well controlled. All good intentions sometimes go right out the window. There have been traffic issues and noise issues in the past and he would like to encourage other kinds of businesses to come into the neighborhood.

Chairman Steve Ethridge closed the floor for public comment. He asked for any questions from the Commission.

Commissioner Jim Lardner asked if they had professional managers on site. He asked how the American Legion does this.

Mr. Zollan said that they usually have a board member on site. Who usually opens up is the Commander of the Sons of the American Legion and he is also one of the bartenders.

Commissioner Jim Lardner asked how many members the American Legion Post 81 has.

Mr. Zollan said that they have 174 members at this time.

Commissioner Jim Lardner asked him how many were at the club on an average night.

Mr. Zollan said that during the day it averages 6 to 10 people. During karaoke night they can have as little as 20 or as many as 40. On pool tournament night they usually have around 15 people. On band nights they have had as many as 40 people. Their busiest nights are on Saturday. It varies all the time. They are a nonsmoking club. They do provide a patio for the members who do smoke. They have had some nights when they were jam packed when members have birthday parties, etc.

Ms. Judy Chicago said that the patio is adjacent to their back yard, and they have visitors from all over the world, museums from all over, etc. They invite them into their back yard and the issue or smoking comes right over the fence. We hold business meetings in our back yard and when there is a lot of activity going on next door, it is very disruptive. They have

had many years where we could not use our back yard. She thinks that they are a good organization but not there when there are already two in a two block area.

Vice Chair Pete Armstrong said that he is a member of the Albuquerque American Legion Post 49 and they have a very regimented check in to their facility. He asked if a Legionnaire shows up and they do not recognize them, do they card them.

Mr. Zollan said that definitely card them. It is renewal time now and if they do not have their new card or are not willing to pay the dues at that time they are not admitted.

Commissioner Gordon Reeves asked if they have had any issues, citations, etc.

Mr. Zollan said no. They have had a state inspector come in for an inspection and the only thing we did not have was a copy of the floor plan. They were given 30 days to either find their floor plan or get a copy of it from the state alcohol division.

Mr. Bundy said that they used to have gaming and the gaming inspector would come in quite often and they have never received a citation while that was there. They got out of the gaming because it was not a profitable adventure for them.

Commissioner Gordon Reeves asked if they have had any noise complaints or have the police ever knocked on their door.

Mr. Zollan said no.

Chairman Steve Ethridge asked Commissioner Armstrong if he thought that his being a member of an American Legion Post, that there might be a conflict of interest.

Vice Chair Pete Armstrong said no.

Mr. Jim Perry, with the Central Parlor and the Jaramillo Vineyards, and the concentration of all those liquor licenses in that area, and them asking for an indefinite amount of time on their request, the Commission gave the Central Parlor one years on their time period. He wanted to know if he comes back in after the year is up and since there are so many establishments in that small area, will the Central Parlor not get the ok to continue to have their wine tasting room there.

Chairman Steve Ethridge said that a Conditional Use allows them to set conditions on an individual basis.

Steven Tomita said that the Commission can set any time period that they feel is appropriate. He said that Mr. Perry brought up a very viable question because there is no guarantee that in a year from now he will get the continued Conditional Use. He does not feel that they would be denied. It is nice to see that there is interest in that building and see a group that wants to occupy it.

Ms. Chicago said that the owners of the Central Hotel have invested a huge amount of money restoring that building. She wants to see people invest in Becker Ave.

Steven Tomita said that the deal that they were trying to do with the Conditional Uses is that they were trying to establish a procedure to have that applicant return for a review. The Commission can then review the application, and on its performance, activities, etc., to allow that Conditional Use to continue. It brings up a concern, if an indefinite time period was granted, what is the review process to determine whether that stays in place or is removed.

Commissioner Gordon Reeves said that his understanding is that the Conditional Use they come back at the end of the granted time and apply for another use permit or a continuation on the existing permit or a long term one. Once you come back the Commission can revisit it and vote again.

Mr. Perry said that he understands that, but if the Legion is asking for an unconditional one. If it is one person gets a year then all should get a year. He is afraid, after hearing that the area has several liquor licenses, we might not be approved again. They have spent a lot of money on the Central Hotel building.

Vice Chair Pete Armstrong said that there are some similarities, and differences between those liquor licenses. The Legion has a lot of control over their clientele and he does not know if the Central Parlor has that level of control.

Mr. Perry said that with any tasting room situation, where you are distributing alcohol, they will be doing their due diligence about over serving or checking the clientele. They will make sure rules are followed. They are only going to be open four days a week with very limited hours. They do not want to have a bar. They want the clientele to come in and taste the wines, then buy a bottle, and leave.

Commissioner Gordon Reeves said that the American Legion has been here for years, and looking for a new home, which will be mortgaged, the Commission could have it an indefinite Conditional Use with the stipulation that they come in for a review every two years.

Vice Chair Pete Armstrong feels that the Legion needs clarification, and if we put a condition of one or two years, and how will that affect the financing of the building.

Mr. Fallon said that the impact would be big. They rely on the bar sales for the rent on the present location and would rely on it for the payments on this building. If the Conditional Use is denied in one or two years' time, they would not be able to operate there. They would lose the liquor license and a lot of their members. Most members come in and have a drink or two and then leave.

Vice Chair Pete Armstrong said he understands that but he would like to know what kind of impact, with a time frame tied into a mortgage for the purchase of this building. He asked if it would be an impact on whether or not they can get a mortgage.

Mr. Fallon said that it would and that they would not even try to get a mortgage in that case.

Commissioner Jim Lardner said that when you look at the three liquor licenses that are in the area, he has never gone to Pete's and seen people just standing around drinking a beer. When



people go to Pete's they have dinner with a drink. The tasting room is not the kind of place where you are going to have guys walking in and drinking like an open bar does. All three of these are not like a bar. They are different entities. With the American Legion the average member is going to be around 60. If there were three full out bars, like you would find on Central Ave. in Albuquerque, he would be real concerned about it, but an American Legion Post sitting next to a tasting room and sitting next to a place where you are only having a drink with your dinner, he does not see a big issue with the three liquor licenses being in a small area.

Chairman Steve Ethridge said that he is open for a motion. The Commission has talked about it and gathered enough information.

Mr. Woodman said that one of the things that has been said is the client base that goes into the American Legion. The state of New Mexico has a clear cut liquor laws. Petes, which has a beer and wine license, cannot serve alcohol to anyone who has not ordered food. Sixty percent of their income has to come from food sales for them to maintain their license. It is very controlled by the state of New Mexico. He is sure that there are equally limiting parameters for that type of license. All liquor servers have to go through specific training. There is a lot of education that goes around in this area. They have seen in the State of New Mexico, a crisis concerning DWI's, laws and instances that have happened, where establishments have been sued because they have not followed the law. One of the problems that we have had in Belen is getting those laws enforced, because we are asking the Alcohol control Board in Santa Fe to send people down here to investigate and control what is going on, and they have tried working with the City Police Department and the City Council, to deal with issues that they have had concerning the other alcohol establishments that have been in the Neighborhood. He did not realize, until now, that the zoning in their neighborhood does not permit a full liquor license. That has been one of the concerns that they have had because in the past establishments that have had full liquor licenses, have been out of control. Their concern, even though this is a limited type of facility, they are vetted to become a member, but they are still serving hard liquor, people do not have to eat, and there are a lot of people that can go into an establishment to drink and eventually leave. They have pointed out the issue of traffic, with drunkenness, etc. and trying to get the laws enforced is hard. What they are wanting from the Commission is to mediate and say to establishments that if they want to give it a try, let's give it one year and see how it goes. He understands the Legions financial situation, but as it has been said, both the Central Hotel and we has invested a sizable amount of money in restoring and development of that area. They are concerned about other people that want to come into that area, to understand what they have done and participate in the same way. If there are any questions about what went on, they can ask him. They have young people that come visit them, from all over the world, to work and spend several months here. They are concerned about their safety and the staff that works for them. These are the issue that he would like to see the Commission address when considering the Legions request.

Chairman Steve Ethridge asked for a motion.

Commissioner Gordon Reeves moved to approve the Conditional Use for a five year period.

Vice Chair Pete Armstrong said that he would like to modify the motion.

Commissioner Gordon Reeves said to go ahead and modify the motion and if he approves of the changes he will rescind his motion.

Vice Chair Pete Armstrong said that he would like the time period reduced to one or two years at most. The Commission has set precedence with the winery and others and feels that it needs to follow that precedence.

Commissioner Gordon Reeves said that the only thing about it is that the people that want to buy that building needs to get financing.

Vice Chair Pete Armstrong said that a precedence has been set and he thinks that what is good for one is good for another. The Commission has set a precedence, so they need to keep that precedence.

Commissioner Gordon Reeves said that he will stay with his original motion.

Commissioner Jim Lardner seconded the motion.

Motion carried.

Motion was as follows:

|                            |     |
|----------------------------|-----|
| Commissioner Gordon Reeves | Yes |
| Vice Chair Pete Armstrong  | No  |
| Commissioner Jim Lardner   | Yes |

- b. **REQUEST FOR A ZONE CHANGE FROM C-1 TO SU-1: Ezekiel Rojas**, for the purpose of storing salvage vehicles. **LEGAL DESCRIPTION:** Township 5 North, Range 1 East, Section 22, Rancho Rio Grande, Unit 1, Lot 513, containing 5 acres.

Lisa Miller informed the Commission that Mr. Rojas and his wife came into the Planning & Zoning office before they purchased the property. They were going to use it to store a few overflow cars from his business in Bosque Farms. The property is located at the end of one of the airports runways and also has a pipeline easement running diagonally through the middle of it. She started getting complaints on the amount of vehicles are located on this property. She contacted Mr. Rojas and explained that being at the quantity of vehicles was higher than anticipated, he would need to apply for a zone change from a C-1 to a Su-1.

Commissioner Claudine Montano asked if the property was located on the West Mesa.

Lisa Miller said at the end of the Airport runway.

Vice Chairman Pete Armstrong asked what runway.

Lisa Miller said the new one.

Commissioner Gordon Reeves asked Mr. Rojas if he sold parts out of there.

Mr. Rojas said no.

Lisa Miller said that Mr. Rojas has cleaned the property up and placed a pro panel fence around the area where the vehicles are.

Mr. Rojas informed the Commission that he owns a business in Bosque Farms that is a used car dealership and body shop. The purpose of purchasing the property was to use the property that he purchased, as storage for the overflow from his business. They buy cars at the auction then store them on that property. When we go to repair the vehicle to sell, we then bring it to the business. They have pictures of the cars that they show prospective customers, and if they like one of those vehicles we bring it to the shop for repairs, if it needs it, then sell it. He is trying to get the zone change so that he can use that property as storage. They built a six foot fence around some of the property. They cannot cross or build on that pipeline easement. When they were putting the fence up the gas company came by and informed them that they could not block, build, or impede on the easement. They were informed that they had to be back 35 ft. from the pipeline on both sides. He showed the Commission the area where he has fenced off for the vehicles. They are not using all five acres for the storage of the vehicles. He figures that they are only using about an acre to an acre and a half of the property.

Commissioner Gordon Reeves asked Mr. Rojas if he was in good standings with Lisa.

Mr. Rojas said that he has kept in touch with Lisa.

Lisa Miller said that he has complied with everything that they have discussed. She has no problems with him.

Mr. Rojas said he has been speaking with Lisa concerning the property next to his. He wishes to buy it and clean it up.

Lisa Miller informed the Commission that she has not been able to locate the owners of that property. His property originally had a couple of broken down boats, a bus and just a bunch of junk, and he has cleaned all of that up.

Commissioner Jim Lardner asked if the City even has jurisdiction over that property.

Lisa Miller said that the south property line is where the City Boundary is.

Vice Chair Pete Armstrong said that the first thing that he thought of when he read this was a much earlier discussion about a planned development around the airport and the Commission was going to establish manufacturing zones, commercial zones, residential zones, and he thinks that they need to discuss that subject.

Steven Tomita said that he would have a bit of an issue of buildings going in this area because it is located near the end of the runway. If you have an airplane failing, it will come down right at that location. He is not a fan of a storage/salvage yards, but if a plane came down, it would hit stored vehicles instead of a house, office etc. He has a real problem with any building within that alignment for a certain distance.

Commissioner Gordon Reeves asked if the SU-1 is granted can Mr. Rojas come in and submit plans for a structure.

Steven Tomita said that the Commission can set limitations, and conditions on the specific use of the property. That is one of the good things about the SU-1 zones because the Commission and Council set the parameters.

Commissioner Gordon Reeves asked Mr. Rojas if his intent is purchasing vehicles at the auction, storing the whole vehicle on this property, and as you need to use that vehicle, you take that vehicle to your place of business in Bosque Farms. There is no plans of dismantling any of those vehicles.

Mr. Rojas said yes that is all he is planning to do and no he will not be doing any dismantling of the vehicles.

Commissioner Jim Lardner asked if he had a mobile home or a place for someone to stay out there for security reasons.

Mr. Rojas said that is what he wants to do that because he has had some break ins at the property. He would like to put an RV up there so that people will know that someone is watching the place. They have called the police and have made out police reports. The police have said that there is nothing they can do unless they catch the ones responsible in the act of doing the theft. He would like, sometime in the future, to build a warehouse there.

Steven Tomita said that the FAA has notified us that they will be reassessing the runways and changing the clearances within the specified areas at the end and beginning of those runways. They will be extending the distances out further and the height levels within those distances. This may impact Mr. Rojas on any buildings he may want to place on that property.

Mr. Rojas said that is why he only went up six feet with the fence. He has been out there when planes have gone over and the planes have already climbed pretty high by the time they get to his property. His property may look close on the photos, but it is a long way from the end of the runway. If he will be unable to build at a future date, he has no problem with that.

Chairman Steve Ethridge asked if all of the vehicles have tires on them.

Mr. Rojas said that he has had to remove the tires and take them to his shop because of the thefts. They removed the tires so the thieves do not take them all.

Chairman Steve Ethridge asked if the time came and we had to remove those vehicles, would he be opposed to that.

Mr. Rojas said yes. He has the tires at his shop and when he needs to bring one or more of the vehicles to his shop he puts the tires back on the vehicle so that they can be transported back to the shop.

Chairman Steve Ethridge said if the regulations change and we had to move those vehicles for some reason, would he have a problem removing those cars.

Mr. Rojas said that there would be no problem with that.

Chairman Steve Ethridge said that one letter of opposition was received. He read the letter. The letter was not for the proposed zone change.

Commissioner Gordon Reeves said since Mr. Rojas purchases these vehicles from the auction, he would like to know if there is a bill of sale and a title that comes with those vehicles.

Mr. Rojas said that all of his vehicles have a bill of sale and a title.

Commissioner Gordon Reeves said that it is not salvage if there is a title to the vehicle.

Steven Tomita said that is why he brought up that the Commission can specify the use.

Chairman Steve Ethridge asked for any other comments.

Mr. Rimallia said that what they are trying to do is streamline the process. Most of the vehicles come from the southwest, so they are able to come right off the freeway and tuck the vehicle on that property. When he gets one vehicle done to sell or has sold, he will be able to bring another one, from the property, to the location in Bosque Farms. He knows it is kind of a new area and kind of a ruff area, he feels having someone there would be able to keep an eye on not only this property but the whole area.

Mr. Edward & Ms. Vina Hiy said that they have property located in that area. It is lot 521, Unit 1 and it is 5 acres and there is a pipeline running through the corner of that lot. She wanted to know if the re zoning was going to interfere with their property. She asked what the process was to get a piece of property re-zoned.

The Commission told her that this was the first step to obtaining a zone change.

Commissioner Gordon Reeves said that this was a special use overlay and that the underlying zone still exists.

Ms. Hiy asked if it would change any property lines.

Commissioner Gordon Reeves said no.

Steven Tomita said that the underlying zone is what it is, and an applicant comes in and says that they want to do something special on that land that is not allowed under the present zone. That special use says that the present zone stays but we will allow you to do that specific use at that specific location. The Commission and the Council can specify whether it goes with the land or if it reverts back to the original zone when that owner leaves.

Chairman Steve Ethridge closed the public hearing.

Commissioner Gordon Reeves moved to recommend approval of the zone change with the following conditions:

- a. The perimeter fence shall be maintained

- b. The existing and future vehicles shall be titled and no salvage
- c. The vehicles shall be able to be moved

Vice Chair Pete Armstrong would like to have that it is to be used for storage only on the conditions.

Commissioner Gordon Reeves agreed and requested that it be added to the motion.

Vice Chair Pete Armstrong said that in locations like this, he understands how hard it is to protect your assets, so he would like to include a RV being placed on the property for security.

Commissioner Gordon Reeves agreed and asked to have it added to the motion. He restated his motion. He moved to recommend approval of the zone change with the following conditions:

- a) The perimeter fence shall be maintained
- b) The existing and future vehicles shall be titled and no salvage
- c) The vehicles shall be able to be moved
- d) This property is to be used for storage only
- e) An RV, and not a Mobil Home, shall be placed on the property for security.

Commissioner Claudine Montano seconded the motion.

Motion carried.

Vote was as follows:

|                               |     |
|-------------------------------|-----|
| Commissioner Claudine Montano | Yes |
| Commissioner Gordon Reeves    | Yes |
| Vice Chair Pete Armstrong     | Yes |
| Commissioner Jim Lardner      | Yes |

Lisa Miller informed Mr. Rojas that he has one more hearing to go to and that will be with the City Council on February 5<sup>th</sup> at 6:00 PM at this same location. This will be for final approval.

- c. **REQUES TO AMEND THE ZONE MAP FROM C-1 & C-R TO C-2: CITY OF BELEN. LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Tracts 67A and a portion of 67B, Lots 1-14, Lots 18-22, BTS Addition, plus a 20' alley adjacent (East side) to lot 20. AKA 116 S sixth St, 525 Becker Ave., 513 Becker Ave., 511 Becker Ave., 509 Becker Ave., 507 Becker Ave., 510 W Castillo, and the vacant property behind Old City Hall (507 Becker Ave.).

Steven Tomita informed the Commission that this all came about with the design and the placement of the new Fire Station. The Fire Station was designed and lock into and had not gone through the proper procedures (the vetting). Some communities may argue that since it is a city property and a city project so the city does not have to conform or deal with the zoning ordinance. We take exception to that. What we impose on the public, we also impose on ourselves. That includes all planning reviews, permitting and everything else. This

brought up a bit of a conundrum on where the fire station is going because it does not meet setbacks or the square footage under the C-R zone. It is the vision of the City, with City Hall, the Health department building, the Police station, the Municipal Court building, the existing Fire station, the old city hall, the vacant building that housed the food pantry, and the Art League buildings, to become the Civic Center or Plaza of Belen. Where the Art League is, we are not sure that this will continue to be a designated art district because that is not what it is turning out to be. You have the Motor Vehicle Department, the Baptist Church, Rita's Restaurant, etc. and none of these buildings are 4,000 square foot buildings and that is one of the requirements under a C-R Zone. That is not going to happen. The area is evolving into a civic plaza, which is really great. We would like to expand upon all of that and this really become a community civic plaza with variable use that may go in there. It may rebuild and expand the police department, and evolve that whole area. To allow that to happen, we need to change the zoning to C-2. A much higher intensity zoning. He is hoping, as that evolves, we look at this, and the C-R zoning in that area, and reassess Becker Ave. and some of the surrounding area. They are doing a Great Blocks Grant, and a design is being done for the area on First St. from the Overpass down to Becker Ave. then up one block to Second St., to revitalize that whole area. This design is going to look at what are the best uses, the densities to revitalize that area. Those designs will be done by May. WE may be looking at reassessing all of Becker Ave. to determine if the C-R is appropriate or changes that need to be made to the present zone, to allow for more flexible uses.

Vice Chair Pete Armstrong said that at this time we are just looking at this specific area for a zone change.

Steven Tomita said yes and this will ultimately create a re-evaluation along Becker Ave.

Vice Chair Pete Armstrong said he understands, but this sets the footprint for that.

Steven Tomita said that this is already happening, and this is why the request for the zone change. This zone change area is being re-platted to put that whole area under two lots instead of several small ones.

Commissioner Gordon Reeves asked what the City has planned for the old Fire Station.

Steven Tomita said that they do not know yet.

Chairman Steve Ethridge said that the City should auction the building off. The city has been sadly missing auction items.

Vice Chair Pete Armstrong said that he thinks the change is a great idea.

Chairman Steve Ethridge asked why things have already started and there is a big hole in the ground.

Steven Tomita said that there were assumptions made by the consultant and others that it is a city property and we will do what we want to do. The Planning & Zoning Department and the Fire Marshall said sorry, you need to go through the proper channels. A plan review was not done but now one has and there has been lots of comments, items that had to be addressed, and questions that needed to be answered.

Chairman Steve Ethridge said he would like to encourage us to get things done before instead of after the fact.

Steven Tomita said some things are hard to control. Some things just happen and people just go out and do it before checking to see if it is allowable. As far as City activities, he feels the message is pretty much out there that anything that the City does will go through proper channels.

Vice Chair Pete Armstrong asked what the City was going to do with the food pantry building and the other little building next to that.

Steven Tomita said that he does not know whether the food pantry will move back in, after the construction of the fire house. That area was deemed the Art District and there is some discussions going on as to whether it will stay the Art District or is it significant enough to be even call the Art District.

Vice Chair Pete Armstrong asked if the City purchased back the old City hall.

Steven Tomita said the City still owns that. It was never in the hands of anybody else. He said that we are negotiating with DOT on the Aragon properties and they are open to selling those properties on Aragon in exchange for designating the old City Hall as a historic building, but once you do that you are really tied on anything that you can do to that building. It is a building of historical significance. In fact that whole area is of historical significance. DOT wants us to formally register the Old City Hall on the historical registry. They also want us to take parts of downtown and declare them officially historical significance. The City has been looking at that aspect, but there are certain procedures that we have to go through. To declare a structure of historical significance, the city has to have a historical architectural committee in place and they would have to evaluate each building and declare it of historical significance. This way if someone comes in to destroy it and the City feels it should be preserved, we can intercede and try to get somebody who would restore it instead of demolishing it. We cannot necessarily stop someone from destroying it but we can delay it. We still own the Old City Hall and have been trying for more funding to restore the building. On February 5<sup>th</sup>, there will be a study that has been completed, and will be presented to the Council, on the feasibility for the magistrate court to go into that building. It would require the City to do all the improvements and lease it to the courts. The Magistrate Court needs to expand.

Vice Chair Pete Armstrong said that he checked into having his neighborhood declared a historical area and he was surprised on what you had to do was just incredible.

Steven Tomita said that you can declare an area of historical significance, which means that you can set some perimeters that you would like to maintain certain features. The City cannot go out or the state cannot go out to all those buildings and say that is a historical building. You have to go to each owner and ask them if they would be willing to do that and if they say no the City can declare it is of historical significance.

Chairman Steve Ethridge closed the public comment. He asked the Commission if there was any other issue that they would like to discuss.



Steven Tomita said that this is a re-zone and will go to the Council for final approval. The Commissions motion will be to recommend to the Council for approval or recommend to the Council for denial.

Vice Chair Pete Armstrong moved to send this to the Council with a recommendation of approval.

Commissioner Jim Lardner seconded the motion.

Motion carried.

Vote was as follows:

|                               |     |
|-------------------------------|-----|
| Commissioner Claudine Montano | Yes |
| Commissioner Gordon Reeves    | Yes |
| Vice Chair Pete Armstrong     | Yes |
| Commissioner Jim Lardner      | Yes |

#### **INFORMATIONAL ITEMS**

##### **COMMUNICATIONS FROM THE COMMISSION AND STAFF.**

Lisa Miller said that as the Commission knows, the Planning & Zoning request forms need to be updated. She has done some research from different entities and have reviewed them with Steven Tomita. She handed out a form from Rio Rancho that she feels could be, with a few changes, used by the City of Belen. There is one form for all requests. This would cut out a form for each request. She also handed out a sheet that informs the customer of exactly what type of information is needed for a zone change.

Steven Tomita said that this is not on the agenda, but they are handing this out so that they can look at it. It is the intension of both Lisa and Steven to adopt these forms. These forms do not go in an Ordinance and can be adopted by the department. These are policies and procedures for zone changes, variances, conditional uses, etc. Lisa looked at forms from Valencia County, Los Lunas, and a few others and they are much the same as ours. The Rio Rancho forms fit more in the lines of what he is used to and goes into greater detail of what paperwork and information is required. It requires better justifications for an action. These forms will be able to give you the information that you need to make a better and more informed decision.

Lisa Miller told the Commission that if they see anything that they feel needs to be included or needs to be taken off, please let her know.

Steven Tomita said that if they would prefer we can get more requirements for the different requests and place it on the agenda as a discussion item.

Vice Chair Pete Armstrong said that he would like to see is to be able to fill these forms out electronically.

Lisa Miller said that she is hoping to get them posted online after they are approved.

Steven Tomita said it would then be up to IT to decide how far they want to go as far as filling them out online. Right now that capability is not there. The doors going into the back section of City hall are going to be locked pretty soon and you are not going to be allowed to just walk into that area. All forms will be located up front for the public to pick up, when this happens. If they want to speak with us they will have to make an appointment. The housing company that presented the development of De La Reina buildout are striving to start building by the end of February. These developers are very excited about the market. They have had different builders contact them wanting to purchase or build on some of the lots, but Westwood homes told them no, that they are building out. Their projected time of complete buildout has changed to 18 months instead of three years. He is still working with Tractor Supply, and think that we have the solution for that. A couple of options have opened up and we are hoping that these get it done. He has an investor that is looking a quite a few properties that he wants to move forward with. This investor is looking at developing single family homes and apartments. He is also looking at a few RV Parks. There has recently been a lot of interest in RV Parks especially by the workers that are putting up the Facebook building in Los Lunas. These people are not looking for homes, they are looking for temporary for the next five to seven years. He has seen an increase interest in tiny homes so we are going to have to look at our Ordinances to address this. CID is working very rapidly to try to come up with the standards requirements for tiny homes because a lot of them are coming in from China and they do not meet any of our safety standards nationwide. An issue has come up with the property at the corner of Main and Reinken. This property is not owned by Domino's but Domino's will be leasing a part of the finished building. The issue concerned illegal dumping, but this was not done in our jurisdiction. It was done in the County. We are working with ED and the County to get this issue resolved. He informed the Commission that DOT will only allow limited access off of any state road. This is a statewide policy under NM DOT and they are going to be severely restricting accesses off of state highways and federal highways. It is what they call a RAC program and the Council of Governments and different Districts are also incorporating this program. This is for safety and traffic control. He does not agree with this in some areas but didn't get anywhere. He reminded the Commission of the Trade Conference that is being held at the Business Center next Thursday, February 8<sup>th</sup>. He said that this has taken on a life of its own. There will be eight international companies that will be attending. This will show the greater Albuquerque area and the State of New Mexico what is in Valencia County. There will be other state wide companies and other employers also in attendance. The New Mexico Economic Development Department will attend. All these companies are going to have booths at the Trade Conference. There will be speakers with four topics. Workforce Solutions will cover two of the topics and New Mexico Economic Development will cover the other two. Senator Udall will have representatives there and they think this is important and also to let other Cities and Districts know that Valencia County has international companies here.

Chairman Steve Ethridge said that the big Matanza was this last weekend and asked if anyone attended.

Ms. Lenore Pena said that she went and she thought that is was very well attended and enjoyable. She thought it went well.

Steven Tomita said that the positive aspect of this is that people learn that Belen is here. A lot of the participants and not from Valencia County and Belen. The majority of them are from out of town. A less positive side is that they come and attend or participate in the Matanza, eat and then

leave. We need to find a way to bring them downtown. This one was well promoted and was on TV. One of the weather forecasters came down to be a judge.

**ADJOURNMENT**

There being no further business to come before the City of Belen Planning & Zoning Commission, Commissioner Gordon Reeves moved to adjourn.

Commissioner Claudine Montano seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 8:01 pm.

\_\_\_\_\_  
Chairman Steve Ethridge

**ATTEST:** \_\_\_\_\_  
Steven Tomita, Planning & Economic Development Director

## Chapter 17.30 - BECKER AVENUE ZONE

**Sections:**

## 17.30.010 - Intent.

The purpose of this zone is to promote the revitalization of historic Becker Avenue and to maintain a special character of mixed-use development for the properties along the street. This zone is also intended to provide a pedestrian-friendly atmosphere and a gathering place for the community. To the extent possible, historical and cultural elements of the properties along Becker Avenue shall be preserved and enhanced.

(Ord. No. 2015-14, 11-16-2015)

## 17.30.020 - General provisions.

- A. The Becker Avenue Zone shall be delineated on the Belen zone atlas. All properties that have frontage along Becker Avenue from Main Street to First Street shall be included in the Becker Avenue Zone.
- B. The Becker Avenue Zone shall be administered as an additional zone district with special requirements. Any development within the Becker Avenue Zone shall be subject to the administrative procedures and regulations provided in this section.

(Ord. No. 2015-14, 11-16-2015)

## 17.30.030 - Regulations.

- A. Building Height. No building or structure shall exceed forty-five (45) feet in height.
- B. Building Design. In order to preserve and enhance the special character within the Becker Avenue Zone, buildings shall be designed using the following guidelines:
  - 1. Painting or decorating buildings with bold patterns or large graphics, or using buildings as signs is prohibited.
  - 2. Thin skin "curtain wall" buildings including aluminum siding, metal panels, and mirrored or otherwise dominating glass, are prohibited.
  - 3. In order to continue a visual pattern of historic architectural elements reflected through brick building construction, at least fifty (50) percent of the total facade on all new or reconstructed buildings fronting Becker Avenue shall be composed of brick.
  - 4. Exterior mounted mechanical and electrical equipment, including solar hardware and satellite dish antennas, shall be architecturally screened.
- C. Signs. All signs in the Becker Avenue Zone shall conform to sign regulations provided in chapter 17.58 of the Belen Municipal Code.
- D. Pedestrian Walkways. A minimum of twelve (12) feet measured from the curb line into abutting properties shall be reserved and developed for pedestrian activity. There shall be no obstruction within a pedestrian walkway which would impede pedestrian circulation. The minimum width of pedestrian walkways shall be six (6) feet, to allow for wheelchair access.
- E. Off-Street Parking. The off-street parking requirements defined in chapter 17.56 of the Belen Municipal Code may be reduced by a maximum of fifty (50) percent of the total number of spaces pertaining to the list of land uses in section 17.56.010. The reduction of spaces required for land uses in the Becker Avenue Zone shall be

subject to the administrative procedures provided in this chapter.

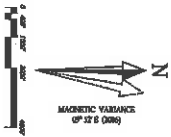
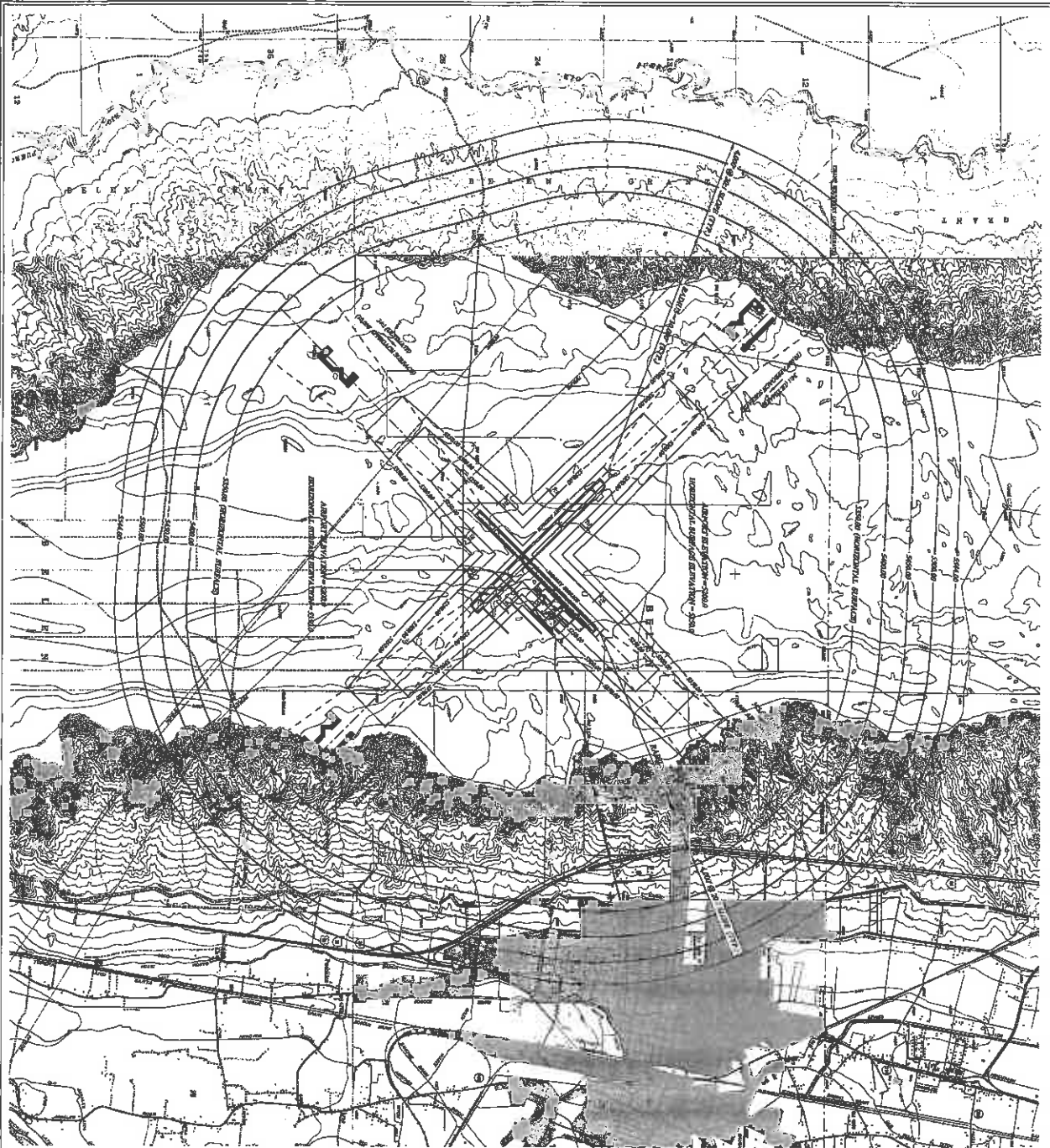
- F. **Street Trees.** Within five (5) feet of the curb line of Becker Avenue, trees shall be planted approximately every thirty (30) linear feet of street frontage. General policies for street trees are as follows:
1. Whenever possible, street trees shall be placed between the curb and pedestrian walkways.
  2. Suitable street trees for Becker Avenue are mostly hardwood, non-fruit-bearing, deciduous trees. Low water consumption and nonallergenic trees are preferable.
  3. Adequate vertical clearance below street tree branches shall be maintained at no less than eight (8) feet over pedestrian walkways and nine (9) feet over streets.
- G. **Area Lighting.** The lighting of buildings and parking lots within the Becker Avenue Zone shall conform to the following guidelines:
1. The exterior lighting of any buildings, structures and surrounding grounds shall provide illumination for safety purposes, and shall be placed and screened such that it does not shine directly or reflect into any adjoining residential properties or streets.
  2. Fixtures used in exterior lighting shall be selected for functional and aesthetic value and shall not contain fluorescent lamps.
  3. Parking lot lighting shall provide for adequate security but must be shielded to prevent light from shining directly onto abutting residential lots.
- H. **Drainage.** In areas where a centralized stormwater collection system is not available, on-site stormwater retention shall be directed to the back portion of the lot.

(Ord. No. 2015-14, 11-16-2015)

#### 17.30.040 - Administrative procedures.

- A. **Site Plan Required.** All development, redevelopment, and major improvements to property within the Becker Avenue Zone shall be constructed in accordance with a site plan which shall be reviewed and accepted by the zoning enforcement officer to establish compliance with the regulations provided herein. The site plan shall contain the following:
1. A plat or property map plan showing the location, dimensions, height, and setback of all buildings and structures on the development site;
  2. Location and description of all signs, lighting, parking and loading areas, traffic access and circulation routes, and pedestrian areas;
  3. Preliminary sketch drawings or elevations of proposed buildings;
  4. A landscaping plan showing location and type of street trees and other proposed and existing vegetation of the development site.
- B. **Plan Review and Acceptance.** In order to obtain acceptance for any proposed development within the Becker Avenue Zone, the required site plan shall be submitted to the zoning enforcement officer who shall determine compliance with the provisions and intent of the Becker Avenue Zone. A written decision of acceptance or non-acceptance shall be rendered by the zoning enforcement officer within thirty (30) days following receipt of the required site plan. Such written decision shall provide any special conditions of acceptance, or reasons for non-acceptance if applicable. Appeal of any decision of the zoning enforcement officer may be carried out through the provisions established by the appeal process in the comprehensive zoning ordinance of the city of Belen.

(Ord. No. 2015-14, 11-16-2015)



1. SURVEY ELEVATION INFORMATION
2. PHOTOGRAPHIC SURVEY INFORMATION

NOTES

| CONSTRUCTION TABLE |      |             |
|--------------------|------|-------------|
| REVISION           | DATE | DESCRIPTION |
|                    |      |             |
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PART 77 SURFACES

BELEM ALEXANDER MUNICIPAL AIRPORT  
AIRPORT LAYOUT PLAN  
CITY OF BELEM, NEW MEXICO

| REV NO | REV DATE | DESCRIPTION |
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PROJECT NUMBER: BLN1-13  
DESIGNED BY: JNP  
DRAWN BY: DKS  
CHECKED BY: JNP  
PROJECT ENGINEER: JNP  
PROJECT DATE: FEBRUARY 2016

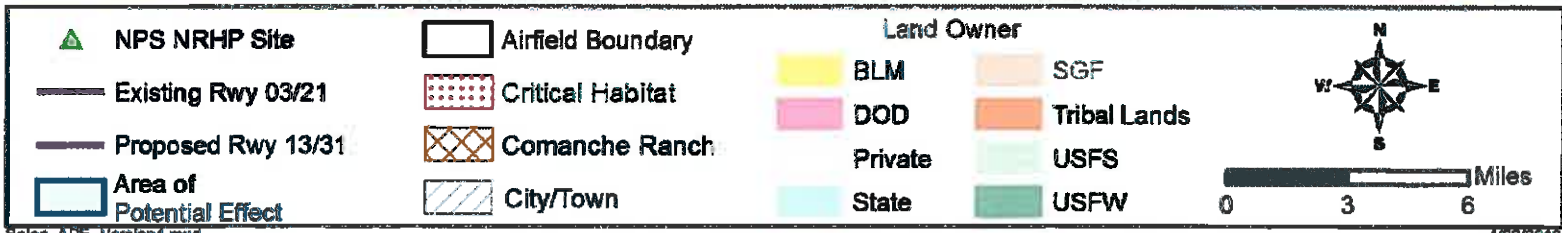
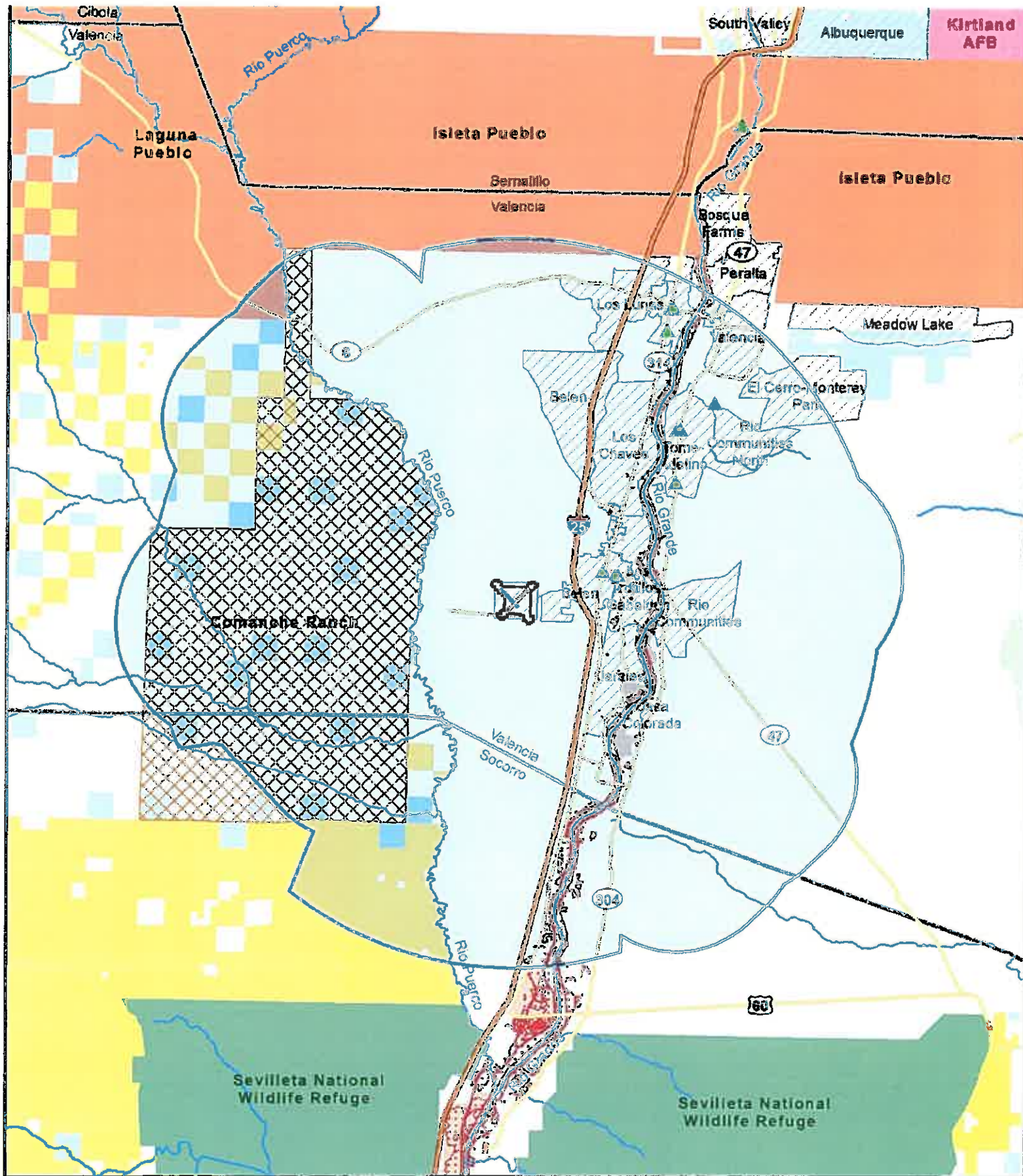
**MOLZENCORBIN**

2701 Main Street SE  
Albuquerque, New Mexico 87106  
505.262.0171  
MolzenCorbin.com

PLATE 2

SHEET 2 OF 6





## One Mile Radius

### Aviation Area

Charter Flights  
Hangers  
Aviation related operations  
Transportation  
Modal Center  
Warehousing  
Freight Services

### Industrial Area

Medical Services  
Manufacturing

### Hospitality Area

Hotel  
Restaurants  
Entertainment

### Educational Area

Aviation Research  
Tech center  
Other Research

Commercial - Medium to High Intensity  
Retail  
C-2

Residential  
High Density  
Apartment  
Clustered Housing  
Medium Density